

REMARKS

As a preliminary matter, because all of the outstanding grounds of rejection are merely repeated from the previous Office Action, Applicants maintain and incorporate by reference herein all of the arguments presented in Amendment C, filed October 20, 2006, as well as all relevant arguments from the previous Responses. The Examiner is respectfully requested to reconsider these arguments and withdraw the outstanding Section 102 rejection of claims 1-5 and 21-22 based only on the Kishimoto reference (U.S. 6,721,024). The Examiner's stated reasons for continuing to reject the claims, which appear on page 2 of the Advisory Action, are inherently contradictory.

For example, the Examiner states that the claimed "word 'enclosed' is broader than Applicants' definition." This statement is inappropriate, however, because all claim terms must be interpreted in light of the Specification that defines them. The Examiner is therefore bound to interpret all such claim terms according to the definition provided in the Specification, and not out of the context of the Specification. The Examiner has therefore presented no valid basis for interpreting the claim term "enclosed" more broadly or more narrowly than the clear definition the Examiner acknowledges to be present in Applicants' Specification. Accordingly, the rejection should be withdrawn for at least these reasons.

The outstanding Section 102 rejection should also be withdrawn because the Examiner appears to have also interpreted the claim term "enclosed" out of context from the entirety of the language recited in independent claims 1 and 21 themselves. All terms in a claim must be given distinct patentable weight from other terms recited in the same claim. In

the present case, however, this requirement does not appear to have been met. The Examiner still appears to be interpreting both separate claim terms “enclosed” and “partition” as equivalents.

As clearly described on page 14 of the present Specification, for example, and further illustrated in Figs. 14A-B, the terms are not equivalents according to either the rules of patent claim drafting, or according to the clear definitions of these terms in the present Specification. However broadly the Examiner chooses to interpret the term “enclosed,” the Examiner is still required to give the term a distinct and separate interpretation from the term “partition,” which is also featured in both independent claims. As previously discussed, and even acknowledged by the Examiner, Kishimoto simply does not show any structure equivalent to that of the present invention that can both enclose and partition single domains.

The Examiner’s additional comments on page 2 of the Advisory Action, namely, that “it appears that Applicant intended to mean the structure as ‘wall’ similar to Figure 14b of the present invention,” makes no sense. Fig. 14B of the present Application does not feature any element that is labeled as a “wall.” Element 50 of the drawing, on the other hand, is unambiguously and consistently labeled only as “structure 50.” Independent claims 1 and 21 both also recite a “structure,” and not a “wall,” as the Examiner appears to assert. In any event, the distinction is essentially meaningless to the grounds upon which the outstanding rejection should be withdrawn.

The wall/structure distinction is irrelevant to the outstanding rejection because Kishimoto simply does not disclose any structure that both partitions and encloses a single

domain in each display pixel. Again, such an assertion would only be correct if the two terms were interpreted to be complete equivalents, and then only if Kishimoto was also only considered from the two-dimensional perspective. The Examiner is not entitled to interpret the two claim terms as equivalents, however, as discussed above, and Kishimoto's device is not shown to be formed or operate two-dimensionally.

As previously discussed, and not challenged by the Examiner, Kishimoto's device is very different from the present invention when seen from the entire three-dimensional perspectives. The side views shown in Figs. 1 and 5 of Kishimoto clearly show that the walls 16, 26 do not actually enclose the domains therebetween. The liquid crystal molecules 33 may clearly move and flow over the top portion of the walls 16, 26. Thus, Kishimoto shows no more than some partitioning of the individual domains, but not any enclosing of the domains in each pixel area.

Moreover, the Examiner has already acknowledged that he had previously interpreted Figs. 1 and 5 of Kishimoto to view the column protrusions 20 as being an extension of the walls 16, 26, and that the protrusions 20 followed the entire length of the walls 16, 26 to provide an "enclosure" of the domains equivalent to Fig. 14B of the present Application. As shown in Fig. 2 of Kishimoto, however, and even later acknowledged by the Examiner, the column protrusions 20 never follow the entire length of the walls 16, 26, nor are the protrusions even formed for each domain. Because both of the terms "enclose" and "partition" are recited in the independent claims of the present invention, the Examiner is required to consider the invention in all three dimensions, and not only in the two-

dimensional view reflected in the outstanding rejection. Kishimoto cannot read upon the present claims when they are considered three-dimensionally.

Nevertheless, although no further amendments need to be made to the claims for the reasons discussed above, in an effort to expedite prosecution only, Applicants have further amendment independent claims 1 and 21 herein to redundantly describe the same features of the claims argued above. Specifically, independent claim 1 now redundantly recites that the enclosed domain in each display pixel is entirely enclosed between the substrates, and claim 21 now redundantly recites that featured thickness is that of the entire gap. This clarifying grammar should have already been clear to one of ordinary skill in the art when the claims were read in light of the Specification, as discussed above. As also discussed above, Kishimoto cannot read upon this language. Kishimoto does not disclose any single domain being entirely enclosed between the substrates, or any partitioning structure spanning the entire gap thickness.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-6 and 21-22, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

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